

ESTTA Tracking number: **ESTTA420829**

Filing date: **07/20/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	NorthStar Litigation Technologies, LLC
Granted to Date of previous extension	07/20/2011
Address	103 Eisenhower Parkway Roseland, NJ 07068 UNITED STATES

Attorney information	G. Roxanne Elings Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166 UNITED STATES nytmdkt@gtlaw.com, elingsr@gtlaw.com, falbyo@gtlaw.com, biancoc@gtlaw.com , kleinm@gtlaw.com Phone: 212.801.2148
----------------------	--

### Applicant Information

Application No	85145092	Publication date	03/22/2011
Opposition Filing Date	07/20/2011	Opposition Period Ends	07/20/2011
Applicant	New England X-Ray Corp, Inc 1507 Post Road Warwick, RI 02888 UNITED STATES		

### Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Court reporting; Litigation support services
---

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of bona fide intent; likelihood of confusion based on prior use of trademark NORTHSTAR.

### Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	NORTHSTAR		
Goods/Services	041 - Litigation support services.		

Attachments	Xray.pdf ( 4 pages )(92852 bytes )
-------------	------------------------------------

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/GRE/
Name	G. Roxanne Elings
Date	07/20/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: U.S. Application Serial No. 85145092**

**Mark: NORTHSTAR REPORTING**

**Published: March 22, 2011**

-----)  
NORTHSTAR LITIGATION )  
TECHNOLOGIES, LLC, )

Opposer, )

v. )

NEW ENGLAND X-RAY CORP., INC. )

Applicant. )  
-----)

**NOTICE OF OPPOSITION**

NorthStar Litigation Technologies, LLC, Inc. (“NorthStar” or “Opposer”) believes that it will be damaged by the registration of the above-identified trademark and hereby opposes the registration thereof and hereby alleges as follows:

**FACTS**

1. Upon information and belief, Applicant, New England X-Ray Corp., Inc. (“Applicant”), is a corporation organized and existing under the laws of the State of Rhode Island, having a place of business at 1507 Post Road, Warwick, RI 02888.

2. On or about October 5, 2010, Applicant filed Trademark Application Serial No. 85145092 to register the mark NORTHSTAR REPORTING (Applicant’s Mark”) in connection with “Court reporting; Litigation support services”, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. §1051(b) (the “Application”).

3. The Application was published for opposition in the Official Trademark Gazette on March 22, 2011.

4. NorthStar is a limited liability company organized and existing under the laws of the State of New Jersey, having a place of business at 103 Eisenhower Parkway, Roseland, NJ 07068.

5. NorthStar is engaged in providing the legal community with a wide range of litigation support services, including, but not limited to, management of discovery documents, trial and jury consultation, and database management, and NorthStar has continuously and extensively provided such services under the trademark and trade name NORTHSTAR in US commerce since at least as early as 2005.

6. By virtue of a long history of continuous and extensive use, among other things, the NORTHSTAR trademark has generated valuable goodwill and reputation and has become distinctive of Opposer's goods and services.

7. Upon information and belief, Applicant has not commenced use of Applicant's Mark in commerce in connection with any of the goods and or services identified in the Applications.

8. Upon information and belief, any alleged use of Applicant's Mark in connection with any and or all of the goods and or services identified in the Applications has occurred subsequent to Opposer's use of the NORTHSTAR trademark and trade name.

**COUNT 1**  
**LIKELIHOOD OF CONFUSION**

9. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 8 as if fully set forth herein.

10. Applicant's Mark is identical and or similar in appearance to the NORTHSTAR trademark and trade name in sight, sound, connotation and commercial impression.

11. The goods and or services identified in the Application are identical or similar and or related to the goods and or services with which the Opposer uses the NORTHSTAR trademark and trade name.

12. Registration of Applicant's Mark is likely to cause confusion, mistake, or deception as to the source of Applicant's goods and or services and is likely to falsely suggest a common association, sponsorship or origin of said goods and or services between Applicant and Opposer.

**COUNT II**  
**LACK OF BONA FIDE INTENT**

13. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 12 herein.

14. Upon information and belief, Applicant did not have a bona fide intent to use Applicant's Mark in connection with the goods and or services identified in the Application, on the date that Applicant filed the Application.

15. The Application is therefore void, *ab initio*, pursuant to 15 U.S.C. §1051(b), and the Application should be refused.

W H E R E F O R E, Opposer prays that, the Board sustain the Opposition and refuse the registration of Applicant's Mark, pursuant 15 U.S.C. §§ 1051(b), 1052(d), 1063 and 1125 (c).

Dated: New York, New York  
July 20, 2011

Respectfully submitted,  
GREENBERG TRAURIG, LLP

By: /GRE/  
G. Roxanne Elings, Esq.  
200 Park Avenue  
New York, New York 10166  
(212) 801-9200  
(212) 801-6400

**CERTIFICATE OF SERVICE**

I hereby certify on this 20<sup>th</sup> ay of July 2011, that a true copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant by depositing same with the United States Postal Service via first-class mail, postage pre-paid to the following address:

NEW ENGLAND X-RAY CORP, INC  
1507 POST RD  
WARWICK, RI 02888-3255

\_\_\_\_\_  
/MK/  
Michael Klein